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March 6, 2019

**VIA EMAIL & OPEN RECORDS**

Paxtyn Merten  
MuckRock  
[65318-28471355@requests.muckrock.com](mailto:65318-28471355@requests.muckrock.com)

**RE: #F15,331**  
**OpenRecords # 2018-040-00334**  
Sexual education curriculum

Dear Ms. Merten:

This letter is in final response to the above-referenced Freedom of Information Law (FOIL) request for:

*“A copy of the standard curriculum currently used for sexual education throughout the school district. If there is different standard curricula for different grade levels, I would like all of those individual curricula.”*

Please be advised that the New York City (NYC) Department of Education (DOE) requires that all students in grades 6-12 have sexual health education as part of their comprehensive health education lessons. The DOE does not require a separate “sex ed” course in any grade. For further information, please refer to the hyperlink below:

<https://www.schools.nyc.gov/school-life/learning/subjects/health-education>

Please be advised that the Office of School Wellness has advised that the DOE’s recommended health education curricula are written and sold by national publishers and that these materials are copyrighted. The Office of School Wellness has further noted the additional information referenced below:

- DOE recommends but does not require one specific curriculum; schools may decide what health and sexual health education curriculum to use, as long as it is aligned to standards.
- A Pacing Guide for DOE’s recommended Middle School curricula can be found <https://www.weteachnyc.org/resources/resource/suggested-pacing-guide-for-middle-school-comprehensive-health-education/>

- A Pacing Guide for DOE's recommended High School curricula can be found at the following hyperlink: <https://www.weteachnyc.org/resources/resource/suggested-pacing-guide-for-middle-school-comprehensive-health-education-1/>
- The <https://www.weteachnyc.org/resources/resource/hiv-aids-curriculum-2012-edition/> provides the State-required annual HIV lessons for students K-12 (HIV lessons are one part of sexual health education). The HIV/AIDS curriculum is available in its entirety online.

POL § 87(2)(d), which permits agencies to deny access to records that “are trade secrets or are submitted to an agency by a commercial enterprise or derived from information obtained from a commercial enterprise and which if disclosed would cause substantial injury to the competitive position of the subject enterprise.” The above referenced curricula contain proprietary information of the licensor that, if disclosed, would compromise the competitive position of the licensor. Accordingly, your access to these records are denied in their entirety.

Notwithstanding the above, health education data pursuant to Local Law 14 (2016) can be found at the below hyperlink:

<https://infohub.nyced.org/reports-and-policies/government/intergovernmental-affairs/health-data>

This concludes the FOIL Unit's response and your request will be marked as “closed” in the Unit's database as of the date of this letter.

Any person denied access to a record may appeal the decision in writing within thirty days. Please state a specific ground for appeal and include copies of the initial request and the denial. Appeals should be sent to: Howard Friedman, General Counsel, c/o Office of Legal Services, New York City Department of Education, 52 Chambers Street – Room 308, NY, NY 10007, [FOIL@schools.nyc.gov](mailto:FOIL@schools.nyc.gov).

Sincerely,

*Carlyne B. Turner-Beverly*

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CTB/ms